



General Assembly

February Session, 2002

Raised Bill No. 5471

LCO No. 1453

Referred to Committee on Program Review and Investigations

Introduced by:
(PRI)

***AN ACT CONCERNING MUNICIPAL JURISDICTION OVER
TELECOMMUNICATIONS TOWERS FOR PERSONAL
COMMUNICATIONS SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 8-2 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2002*):

4 (a) The zoning commission of each city, town or borough is
5 authorized to regulate, within the limits of such municipality, (1) the
6 height, number of stories and size of buildings and other structures; (2)
7 the height, size, location and number of telecommunications towers
8 and associated telecommunications equipment used in a personal
9 communications services system, as defined in the Code of Federal
10 Regulations Title 47, Part 24, as amended; (3) the percentage of the area
11 of the lot that may be occupied; (4) the size of yards, courts and other
12 open spaces; (5) the density of population and the location and use of
13 buildings, structures and land for trade, industry, residence or other
14 purposes, including water-dependent uses, as defined in section 22a-
15 93; [,] and (6) the height, size and location of advertising signs and

16 billboards. Such bulk regulations may allow for cluster development,
17 as defined in section 8-18. Such zoning commission may divide the
18 municipality into districts of such number, shape and area as may be
19 best suited to carry out the purposes of this chapter; and, within such
20 districts, it may regulate the erection, construction, reconstruction,
21 alteration or use of buildings or structures and the use of land. All such
22 regulations shall be uniform for each class or kind of buildings,
23 structures or use of land throughout each district, but the regulations
24 in one district may differ from those in another district, and may
25 provide that certain classes or kinds of buildings, structures or uses of
26 land are permitted only after obtaining a special permit or special
27 exception from a zoning commission, planning commission, combined
28 planning and zoning commission or zoning board of appeals,
29 whichever commission or board the regulations may, notwithstanding
30 any special act to the contrary, designate, subject to standards set forth
31 in the regulations and to conditions necessary to protect the public
32 health, safety, convenience and property values. Such regulations shall
33 be made in accordance with a comprehensive plan and in adopting
34 such regulations the commission shall consider the plan of
35 conservation and development prepared under section 8-23, as
36 amended. Such regulations shall be designed to lessen congestion in
37 the streets; to secure safety from fire, panic, flood and other dangers; to
38 promote health and the general welfare; to provide adequate light and
39 air; to prevent the overcrowding of land; to avoid undue concentration
40 of population and to facilitate the adequate provision for
41 transportation, water, sewerage, schools, parks and other public
42 requirements. Such regulations shall be made with reasonable
43 consideration as to the character of the district and its peculiar
44 suitability for particular uses and with a view to conserving the value
45 of buildings and encouraging the most appropriate use of land
46 throughout such municipality. Such regulations may, to the extent
47 consistent with soil types, terrain, infrastructure capacity and the plan
48 of conservation and development for the community, provide for
49 cluster development, as defined in section 8-18, in residential zones.

50 Such regulations shall also encourage the development of housing
51 opportunities, including opportunities for multifamily dwellings,
52 consistent with soil types, terrain and infrastructure capacity, for all
53 residents of the municipality and the planning region in which the
54 municipality is located, as designated by the Secretary of the Office of
55 Policy and Management under section 16a-4a. Such regulations shall
56 also promote housing choice and economic diversity in housing,
57 including housing for both low and moderate income households, and
58 shall encourage the development of housing which will meet the
59 housing needs identified in the housing plan prepared pursuant to
60 section 8-37t and in the housing component and the other components
61 of the state plan of conservation and development prepared pursuant
62 to section 16a-26. Zoning regulations shall be made with reasonable
63 consideration for their impact on agriculture. Zoning regulations may
64 be made with reasonable consideration for the protection of historic
65 factors and shall be made with reasonable consideration for the
66 protection of existing and potential public surface and ground
67 drinking water supplies. On and after July 1, 1985, the regulations shall
68 provide that proper provision be made for soil erosion and sediment
69 control pursuant to section 22a-329. Such regulations may also
70 encourage energy-efficient patterns of development, the use of solar
71 and other renewable forms of energy, and energy conservation. The
72 regulations may also provide for incentives for developers who use
73 passive solar energy techniques, as defined in subsection (b) of section
74 8-25, as amended, in planning a residential subdivision development.
75 The incentives may include, but not be limited to, cluster development,
76 higher density development and performance standards for roads,
77 sidewalks and underground facilities in the subdivision. Such
78 regulations may provide for a municipal system for the creation of
79 development rights and the permanent transfer of such development
80 rights, which may include a system for the variance of density limits in
81 connection with any such transfer. Such regulations may also provide
82 for notice requirements in addition to those required by this chapter.
83 Such regulations may provide for conditions on operations to collect

84 spring water or well water, as defined in section 21a-150, including the
85 time, place and manner of such operations. No such regulations shall
86 prohibit the operation of any family day care home or group day care
87 home in a residential zone. Such regulations shall not impose
88 conditions and requirements on manufactured homes having as their
89 narrowest dimension twenty-two feet or more and built in accordance
90 with federal manufactured home construction and safety standards or
91 on lots containing such manufactured homes which are substantially
92 different from conditions and requirements imposed on single-family
93 dwellings and lots containing single-family dwellings. Such
94 regulations shall not impose conditions and requirements on
95 developments to be occupied by manufactured homes having as their
96 narrowest dimension twenty-two feet or more and built in accordance
97 with federal manufactured home construction and safety standards
98 which are substantially different from conditions and requirements
99 imposed on multifamily dwellings, lots containing multifamily
100 dwellings, cluster developments or planned unit developments. Such
101 regulations shall not prohibit the continuance of any nonconforming
102 use, building or structure existing at the time of the adoption of such
103 regulations. Such regulations shall not provide for the termination of
104 any nonconforming use solely as a result of nonuse for a specified
105 period of time without regard to the intent of the property owner to
106 maintain that use. Any city, town or borough which adopts the
107 provisions of this chapter may, by vote of its legislative body, exempt
108 municipal property from the regulations prescribed by the zoning
109 commission of such city, town or borough; but unless it is so voted
110 municipal property shall be subject to such regulations.

111 Sec. 2. (NEW) (*Effective October 1, 2002*) (a) When an application,
112 petition, request or plan is filed with the zoning commission, planning
113 and zoning commission or zoning board of appeals of any
114 municipality concerning a telecommunications tower or associated
115 telecommunications equipment used in a personal communications
116 services system, as defined in the Code of Federal Regulations Title 47,
117 Part 24, as amended, the applicant or the person making the filing shall

118 provide written notice of the application, petition, request or plan to
119 the Connecticut Siting Council. Such notice shall be made by certified
120 mail, return receipt requested, and shall be mailed no later than seven
121 days after the date of the application.

122 (b) The presiding officer of the zoning commission, planning and
123 zoning commission or zoning board of appeals shall grant the
124 Connecticut Siting Council intervenor status at any hearing on any
125 such application, petition, request or plan, and shall define the
126 Connecticut Siting Council's intervenor rights in accordance with
127 subsection (d) of section 4-177a of the general statutes.

128 Sec. 3. Subsection (a) of section 16-50i of the general statutes is
129 repealed and the following is substituted in lieu thereof (*Effective*
130 *October 1, 2002*):

131 (a) "Facility" means: (1) An electric transmission line of a design
132 capacity of sixty-nine kilovolts or more, including associated
133 equipment but not including a transmission line tap, as defined in
134 subsection (e) of this section; (2) a fuel transmission facility, except a
135 gas transmission line having a design capability of less than two
136 hundred pounds per square inch gauge pressure; (3) any electric
137 generating or storage facility using any fuel, including nuclear
138 materials, including associated equipment for furnishing electricity but
139 not including an emergency generating device, as defined in
140 subsection (f) of this section or a facility (i) owned and operated by a
141 private power producer, as defined in section 16-243b, (ii) which is a
142 qualifying small power production facility or a qualifying
143 cogeneration facility under the Public Utility Regulatory Policies Act of
144 1978, as amended, or a facility determined by the council to be
145 primarily for a producer's own use and (iii) which has, in the case of a
146 facility utilizing renewable energy sources, a generating capacity of
147 one megawatt of electricity or less and, in the case of a facility utilizing
148 cogeneration technology, a generating capacity of twenty-five
149 megawatts of electricity or less; (4) any electric substation or

150 switchyard designed to change or regulate the voltage of electricity at
 151 sixty-nine kilovolts or more or to connect two or more electric circuits
 152 at such voltage, which substation or switchyard may have a substantial
 153 adverse environmental effect, as determined by the council established
 154 under section 16-50j, and other facilities which may have a substantial
 155 adverse environmental effect as the council may, by regulation,
 156 prescribe; (5) such community antenna television towers and head-end
 157 structures, including associated equipment, which may have a
 158 substantial adverse environmental effect, as said council shall, by
 159 regulation, prescribe; and (6) such telecommunication towers,
 160 including associated telecommunications equipment, owned or
 161 operated by the state, a public service company or a certified
 162 telecommunications provider or used in a cellular system, as defined
 163 in the Code of Federal Regulations Title 47, Part 22, as amended,
 164 except for telecommunication towers or associated
 165 telecommunications equipment used in a personal communications
 166 system, as defined in the Code of Federal Regulations Title 47, Part 22,
 167 as amended, which may have a substantial adverse environmental
 168 effect, as said council shall, by regulation, prescribe.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>

Statement of Purpose:

To provide municipalities with jurisdiction over telecommunications towers used in personal communications service systems, to require notice to the Siting Council upon the filing of an application, petition, request or plan regarding such towers, and to provide intervenor status to the Siting Council for such applications, petitions, requests or plans.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]